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In the specifications:

B. These needs are met by the invention, which provides one or more distance sensors on a radiotelephone to estimate a distance between the sensor and some portion of the user or user's head. The sensors are usable individually. Preferably, two or more such sensors are used together to provide an improved estimate of the sensor-user distance. The distance sensors include, but are not limited to, an infrared sensor, a photoelectric sensor, a sound reflection sensor, a capacitive sensor, and a temperature sensor, and a given sensor type may be provided at more than one location on the radiotelephone to account for the possibility that the radiotelephone may be placed in a rotated angular orientation relative to the user or user's head. A sensor estimates a sensor-head distance and compares this distance with a reference distance that defines a proximity zone surrounding the user or user's head. If the estimated sensor-head distance is no greater than the reference distance, the system automatically (e.g., electronically and/or mechanically) adjusts the speaker volume and/or the microphone gain to provide optimum audio signal levels for that situation. If the estimated sensor-head distance is greater than the reference distance, the system (1) adjusts the speaker volume and/or the microphone gain to its maximum signal level and/or (2) notifies the user that the maximum signal level may be inadequate to maintain acceptable audio communication and/or (3) disables the speaker and/or the microphone until the sensor-head distance is no greater than the reference distance or (4) takes no action. More than one proximity zone, each with its own reference distance and/or zone center, can be defined and sensed by the system. The minimum-to-maximum range for speaker volume and/or for microphone gain is adjustable for each user.

pa B Figure 8 is a schematic view of a radiotelephone 80 powered by a battery or other power source. The radiotelephone 80 includes an a signal receiver 81 for audio and/or data signals, connected to an antenna 82, to receive signals from an audio signal source and/or a data signal source, spaced apart from the radiotelephone, and a signal transmitter 83, also connected to the antenna, to transmit audio and/or data signals to an intended recipient. The radiotelephone 80 includes a display sub-system 84, to display alphanumeric text including telephone numbers, and a keypad 85 with alphanumeric keys to enter a called party's telephone number and other alphanumeric characters. The radiotelephone 80 includes a control processor [[85]] 86, optionally including a memory unit, to control the processing of audio and/or data signals received from or

to be sent to the antenna 82. The radiotelephone 80 also includes a speaker [[86]] 87 and a microphone [[87]] 88 whose signals are also processed by the control processor. A portable radiotelephone also includes a battery or other source of electrical power for the other components. The radiotelephone 80 includes one or more proximity signal sources 89 and one or more proximity signal sensors 90, located on or adjacent to the radiotelephone housing.

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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Enclosed as a reference ~~ENCLOSURE~~

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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-14-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other Summit Complete Paragraphs Showing Changes
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

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